

# Notice of Allowability

Application No.

10/724,392

Examiner

Bryan Bui

Applicant(s)

SCHUTZBACH, JAMES S.

Art Unit

2863

-- **Th MAILING DATE of this communication appears on the cover sheet with th correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/01/2003.
2. ☒ The allowed claim(s) is/are 20-27 (renumbered as claims 1-8).
3. ☒ The drawings filed on 01 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 061404
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

The IDS submitted on 12/ 01/ 2003 has been received and considered.

The drawings submitted on 12/01/2003 have been received and accepted by examiner.

### ***Allowable Subject Matter***

1. The following is an examiner's statement of reasons for allowance:

Claims 20-27 (renumbered as claims 1-8) are allowable over the prior art of record because none of the prior art whether taken singularly or in combination to teach the claimed combination, especially when these limitations are considered within the specific combination as claimed, particularly such require as: the processor being further programmed to generate a plurality of possible rain responses, each possible rain response comprising a distribution of possible flow volumes at a second location over a second time interval, the second time interval having a duration that is longer than a duration of the first time interval, wherein the processor is further programmed to compare the plurality of possible rain responses to the measured flow volume distribution, and to select one of the possible rain responses using a result of the comparison.

The prior art of the record disclose an automated sewer pipe network to identify a plurality of desired threshold flow levels of waste material at selected locations , determining the actual flow level, and comparing the actual flow level to the desired threshold flow level based on the function of retarding devices, for example (ref 6,565,284). Other prior art discloses rainfall flow prediction equipment having value of a

rainfall situation index calculation means for classifying a rainfall situation include selecting and predicting rainfall from the measurement data obtained for every determined time of rain gage and based on constant-value extrapolation or primary extrapolation, and characterized by having a display means to display the rainfall, for example: the references of WPI database, XP-002226803; WPI database, XP-002226804; WPI database, XP-002226805. Other prior arts, for example: "Dent et al, Continuous simulation vs. Design storms comparison with wet weather flow prediction methods"; "Merrill, New dimensions in infiltration/inflow analysis", disclose a plurality technique corresponding to predicting rainfall dependent infiltration and inflow and applying multiple linear regression analysis and deriving unit hydrograph ordinates from measured data to provide rainfall dependent infiltration and inflow based on time periods rainfall volume and regression coefficients to display modeled rain dependent infiltration and inflow hydrograph and measured rain dependent infiltration and inflow in the same time interval and location. None of the prior art of the records discloses the specific limitations in the claimed combination as set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The reference of Schutzbach (U.S. Patent No. 6,701,261) discloses method and system for analyzing the effect of inflow and infiltration on a sewer system.

The reference of Gearhart (U.S. Patent No. 6,565,284) discloses infiltration control system and method.

The reference of Naski (U.S. Patent No. 6,474,357) discloses vacuum sewer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is 571-272-2271. The examiner can normally be reached on M-Th from 7am-4pm, and Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

6/14/2004

**BRYAN BUI**  
**PRIMARY EXAMINER**

